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 Oanh Tran and BHMEDIA

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

Hau Dzuong (a.k.a. Andy Thanh, an
 individual; dba Blue Ocean Music, a
 California Sole Proprietor,

Plaintiffs,

v.

Oanh Tran, an individual; BH Media, a
 Vietnam corporation incorporated in Hanoi,
 Vietnam, and DOES 1 TO 10, inclusive,

Defendants.

No. 8:17-cv-00953-JVS-KES

**AMENDED JOINT STATUS REPORT
 OF PLAINTIFFS HAU DZUONG (a.k.a.
 ANDY THANH), AN INDIVIDUAL,
 DBA BLUE OCEAN MUSIC, A
 CALIFORNIA SOLE PROPRIETY,
 AND DEFENDANTS OANH TRAN
 AND BH MEDIA.**

[Fed. R. Civ. Proc. 26]

Pursuant to Federal Rule of Civil Procedure 26(f), Local Rule, Rule 26-1, and this
 Court's Order dated September 28, 2017, Plaintiff HAU DZUONG (a.k.a. ANDY THANH), an
 individual, dba BLUE OCEAN MUSIC, a California Sole Proprietor (hereinafter "Plaintiffs")
 and Defendants Oanh Tran, an individual, (hereinafter "TRAN") and BH MEDIA, a Vietnam
 corporation incorporated in Hanoi, Vietnam, erroneously sued as BH MEDIA, a Youtube
 Network (hereinafter BHMEDIA) or collectively (hereinafter "Defendants") hereby submit the
 following Joint Status Report.

A. Synopsis of the Case

Plaintiffs filed suit against Defendants TRAN, and BH MEDIA, a Vietnam corporation incorporated in Hanoi, Vietnam, erroneously sued as BH MEDIA, a Youtube Network (collectively “Defendants”) on June 2, 2017 for damages sustained by Plaintiffs arising out of an alleged copyright infringement of the audio visual works owned by BLUE OCEAN, attached as (Exhibit “A”) are the audio visual works owned by BLUE OCEAN, that was uploaded on Defendants YouTube channel. Additionally, Plaintiffs alleged that the Defendants infringed upon Plaintiff’s rights by uploading to BHMEDIA’s YouTube channel the audio and visual works owned by Chau Production and Apple Films that Plaintiffs claim they have the exclusive rights to the audio visual works, attached as (Exhibit “B”) are the audio visual works owned by Chau Production and Apple Film. Plaintiff further alleges that they have the exclusive rights to the audio visual works, as found in Exhibit “B” to upload to Plaintiff’s YouTube channel and/or through the Internet.

Defendants TRAN and BHMEDIA denies all allegations contained with Plaintiff’s Amended Complaint and/or lacks sufficient information to either admit or deny the allegations and therefore denies them. In fact, Defendants TRAN and BHMEDIA filed at the time of their Answer, a Counter-Claim and Cross-Claim seeking Declaratory Judgment of Non-Infringement, allegations of Unfair Business Practices and Unfair Competition, and Copyright Infringement against Plaintiffs.

Defendant Youtube, LLC, a limited liability company was dismissed on July 28, 2017.

B. Legal Issues:

Plaintiff’s legal Issues:

Defendants have infringed Plaintiff’s Copyright Works and unauthorized used Plaintiff’s Exclusive Right Works to conduct business on Youtube’s Website as Exhibit A & B.

Defendant’s legal Issues:

Defendants contend that Plaintiff has no cause of action for copyright infringement because there have been no infringement as alleged. In fact, the Defendants are the owners of the “alleged” copyrighted work alleged by Plaintiffs. Defendants have, in their cross-complaint alleged declaratory judgment of non-infringement, allegations of Unfair Business Practices and

Unfair Competition, and Copyright Infringement by Plaintiffs.

C. Damages

Plaintiff's Damages:

Defendants must pay Plaintiff at least \$10,000 claim for relief for each work title, plus all other appropriate relief. It's non-sense Defendants to ask for damages since the Court already dismissed the Counter-Claim and Cross Claim on August 15th, 2017.

Defendants Damages:

Defendants deny any and all damages alleged by Plaintiff in Plaintiff's Amended Complaint. Defendants, on the other hand allege, as indicated in their cross-complaint, alleges \$20,000.00 for each work title taken down from YouTube, an amount to be determined at Trial, and \$10,000.00 claim for each work title if they continue to use Defendant's work on youtube.com, an amount to be determined at Trial.

D. Insurance

Plaintiff:

Such further relief as the Court deems fair and just.

Defendants:

At this time Defendants are unaware of any insurance coverage for this matter.

E. Motion

Plaintiff:

Plaintiff denied to stipulate for filing the first amended cross-complaint it's just exactly the Defendant's answer for the first Amended Complaint. In other words, the cause of actions asserted in Defendants' Cross-Complaint arises the same series of the transactions and occurrences that are the subject matters of Plaintiff's Claims.

Defendant:

Defendants intend to either request for Plaintiff to stipulate to file first amended cross-complaint or in the alternative file a motion to seek leave to file first amended cross-complaint.

F. Discovery and experts

1. Initial Disclosures And Discovery

Plaintiff and counsel for TRAN and BHMEDIA have met and conferred pursuant to Federal Rule of Civil Procedure 26(f) on September 1, 2017 and then again on October 12, 2017. The parties believe that discovery should proceed in an orderly fashion. The parties' initial disclosures will be exchanged on November 15, 2017. The parties will then proceed with written discovery and depositions. The parties do not request any changes in the timing, form, or requirements for disclosure under Federal Rule of Civil Procedure 26(a).

2. Plaintiff's Discovery -- Plaintiff will need to conduct discovery in areas relevant to the circumstances of Defendants TRAN and BHMEDIA's copyright infringement of Plaintiffs work, as well as in areas of Defendant's alleged contracts alleging ownership and/or rights, including, but not limited to:

- Written discovery, including the subpoenaing of Defendant's records for relevant parties, and contracts for all relevant ownership / copyrights / exclusive rights of any and all audio visual works of the respective parties, and other such like documents;
- Taking the depositions of all witnesses including the PMQ of Defendant BHMEDIA and all Defendant's identified witnesses;
- Conducting discovery to determine the validity of any contracts, copyrights, exclusive right to use, if any alleged by BHMEDIA;
- Taking the depositions of Defendant's retained experts, if any;
- Any additional discovery deemed necessary relating to Defendant's assertion for non-infringement for Plaintiff's damages.

3. Defendants TRAN and BHMEDIA Discovery – TRAN and BHMEDIA requires discovery on areas relevant to the circumstances of the purported ownership to and exclusive rights of the audio visual works listed in Exhibit "A" and "B," Plaintiff's contracts, ownership, copyrights, exclusive right to use contracts and any other related damages Plaintiff claims to have suffered, including but not limited to:

- Written discovery, including the subpoenaing of Plaintiff's records;
- Taking the depositions of all witnesses including, Plaintiffs and Plaintiff's

1 identified witnesses;

2 • Discovery into Plaintiff's copyrights and exclusive rights to copyrighted work
3 owned by Blue Ocean, Chau Production, and Apple Film ;

4 • Conducting discovery in an effort to determine the specific acts of copyright
5 infringement, if any, that occurred;

6 • Taking the depositions of Plaintiff's retained experts, if any;

7 • Any additional discovery deemed necessary relating to Plaintiff's claims for
8 damages, if any;

9 4. The parties do not seek a timetable for discovery outside this Court's
10 anticipated scheduling order. The parties do not believe discovery should be conducted in
11 phases or limited to particular issues.

12 5. The parties do not, at this time, seek to change the limitations imposed on
13 discovery under the Federal Rules of Civil Procedure and/or Local Rule.

14 6. Simultaneous Expert Disclosures April 2, 2018. The parties request that
15 any expert exchange be simultaneous among all, with supplemental disclosures thirty (30) days
16 later.

17 **G. Dispositive motions**

18 Plaintiff:

19 Aside from amending the name of Defendant BHMEDIA to reflect the true and correct
20 name of BHMEDIA, Plaintiff does not have any anticipated motions at this time. However,
21 Plaintiff may file if an issue should arise.

22 Defendants:

23 Defendants TRAN and BHMEDIA may file a dispositive motion once an appropriate
24 amount of discovery has been completed such as a motion for summary judgment or
25 adjudication in an effort to dismiss some, if not all of Plaintiff's claims.

26 **H. Settlement and Settlement mechanism**

27 At this time the parties have not entered settlement and or settlement discussions. The
28 parties may wish to participate in a settlement conference or alternative dispute resolution after

discovery commences. At this juncture, it is too premature for the parties to estimate the prospects of settlement. The Parties wish to informally initiate settlement discussions after discovery has been conducted and the Parties have had a chance to review the records.

I. Trial Estimate

The parties estimate that a five to seven court day jury trial.

J. Timetable

Trial Date (5/7 Days) (Jury Trial)	October 9, 2018
Final Pretrial Conference:	September 24, 2018
Lodge Pretrial Conference Order:	September 17, 2018
Last day for serving Motions In Limine:	August 27, 2018
Last Day for Hearing Motions:	July 23, 2018
Non-Expert Discovery cut-off:	June 25, 2018
Expert Disclosures:	April 2, 2018
Rebuttal Expert Witness Disclosure:	April 30, 2018
Supplemental Expert Disclosures:	April 30, 2018
Expert Discovery cut-off:	August 1, 2018
Last Day to Conduct Settlement Conference:	August 20, 2018
Last day to amend Pleading or add Parties:	April 2, 2018

K. Other Issues

Defendants and Defendants Company is located in Vietnam.

L. Conflicts

At this time, the Parties are unaware of any conflicts. The Parties will advise in the event a conflict should arise.

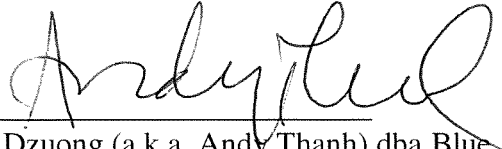
M. Patent Cases: N/A

N. Magistrates: Plaintiffs do not wish to have a Magistrate Judge.

Defendants do not wish to have a Magistrate Judge at this time, but will reserve the right to have one should it become necessary in the future.

1 DATED: October 16, 2017

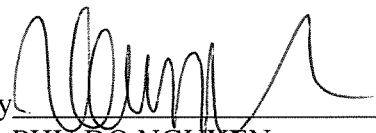
Respectfully submitted,

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3 By 
4 Hau Dzuong (a.k.a. Andy Thanh) dba Blue
5 Ocean, a California Sole Proprietor
6 In Pro Per

7
8 DATED: October 16, 2017

Respectfully submitted,

9 DO PHU & ANH TUAN, PLC

10
11 By 
12 PHU DO NGUYEN
13 THUY T. NGUYEN
14 DAVID DANG
15 Attorneys for Defendant
16 OANH TRAN & BH MEDIA
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